

TITLE 16. ACUPUNCTURE BOARD

NOTICE IS HEREBY GIVEN that the Acupuncture Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a **hearing to be held at the Arcadia City Hall, City Council Room, 240 W. Huntington Drive, Arcadia CA, on July 14, 2003, at 9:00 a.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice must be received by the Board at its office not later than 5:00 p.m. on July 14, 2003, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 4933 of the Business and Professions Code, and to implement, interpret or make specific Sections 4925, 4938, 4939, 4940, 4941 and 4944 of the Business and Professions Code, the Board is considering changes to Division 13.7 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Amend Section 1399.415

The Board proposes to amend Section 1399.415 to designate January 1, 2005, as the effective date to implement the 3,000 hour curriculum requirements, which is in compliance with Business and Professions Code Section 4939. This proposed amendment clarifies that a student who is enrolled in an approved educational program on or before December 31, 2004 shall be required to complete the curriculum in effect at the time of enrollment. Students enrolling effective January 1, 2005 shall be required to complete the 3,000 hour curriculum.

The proposed amendment will also require applicants for examination to complete their educational training program at least thirty (30) days prior to the examination date for which they have applied.

2. Amend Section 1399.416

The Board proposes to amend Section 1399.416 to require foreign trained applicants to submit their transcripts for evaluation by a foreign credential evaluation service to determine if the applicant's course work is equivalent to that required of an applicant from a board approved training program.

3. Add Section 1399.434

The Board proposes to add Section 1399.434 to comply with Business and Professions Code Section 4939(b). The proposed regulation will increase the number of curriculum hours a student is required to complete from a board approved acupuncture school. The proposed regulation requires 2,050 hours of didactic instruction and 950 hours of clinical instruction for a total of 3,000 hours.

The proposed regulation further breaks down the 3,000 curriculum hours to seven didactic categories in addition to clinical practice. These didactic categories were identified through an occupational analysis and a Competencies and Outcomes Task Force.

4. Add Section 1399.435

The Board proposes to add Section 1399.435 which requires satisfactory completion of at least two academic years of education at the baccalaureate level that is appropriate preparation for graduate level work into the professional program.

5. Amend Section 1399.436

The Board proposes to amend Section 1399.436 to clarify that the curriculum outlined in this section applies to any student who enrolls in an approved educational training program on or before December 31, 2004.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies

Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to Any Local Agency or School District for Which Government Code Section 17561

Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that this regulatory action would have insignificant statewide adverse economic impact directly affecting California businesses (i.e., acupuncture schools), including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal should not have any impact on the creation or elimination of jobs or business or the expansion of business in the State of California.

Cost Impact on Representative Private Person or Businesses:

In the Economic and Fiscal Impact Statement on this regulatory proposal, the Board has identified an average increase of \$ 0 to \$4,000 per student and has demonstrated the estimate within the proposal. However, the economic impact on the students is difficult to measure when compared to the educational value gained, versus the cost of the education.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may have an affect on small businesses (i.e., acupuncture schools).

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purposes for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

The Board invites any interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Acupuncture Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all the information upon which this proposal is based, may be obtained at the hearing or prior to the hearing upon request by contacting Janelle Wedge, (916) 263-2680 ext. 205, at the Acupuncture Board, 1424 Howe Avenue, Suite 37, Sacramento, California 95825-3233.

AVAILABILTY AND LOCATION OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Marilyn Nielsen, Executive Officer
1424 Howe Avenue, Suite 37
Sacramento, CA 95825-3233
(916) 263-2680
FAX: (916) 263-2654
E-Mail: Marilyn_Nielsen@dca.ca.gov

The backup contact person is:

Janelle Wedge, Administrative Coordinator
1424 Howe Avenue, Suite 37
Sacramento, CA 95825-3233
(916) 263-2680 ext. 205
FAX: (916) 263-2654
E-Mail: Janelle_Wedge@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to one of the contact persons named above.

Website Access: Materials regarding this proposal can be found at www.acupuncture.ca.gov